

ENVIRONMENTAL QUALITY

CHAPTER 53

HAZARDOUS WASTE

Sub-Chapter 4

Rulemaking Petitions; Variances; Additional  
Regulation of Certain Hazardous Waste Activities

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| Rule 17.53.401 | No State Waste Delisting - Federal Petition  |
| 17.53.402      | Adoption of Federal Procedures for Variances<br>from Classification as a Waste or Boiler                       |
| 17.53.403      | Adoption of Federal Procedures for Additional<br>Regulation of Certain Hazardous Waste<br>Recycling Activities |

## Sub-Chapter 4

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17.53.401 NO STATE WASTE DELISTING - FEDERAL PETITION REQUIRED (1) Waste generators may demonstrate that their wastes do not meet criteria utilized by EPA to list hazardous wastes. A successful petition results in that waste being excluded from regulation as a hazardous waste--often referred to as waste "delisting". Petitions by Montana generators to delist a hazardous waste must be filed with EPA.

(2) The provisions in 40 CFR 260.20, 260.21 and 260.23, pertaining to rulemaking petitions, are not incorporated by reference. Thus, any reference to petitions under these provisions in 40 CFR 124, 260 through 266, 268, 270, 273, and 279, incorporated by reference by this chapter, are not applicable under the Montana hazardous waste program. (History: 75-10-405, MCA; IMP, 75-10-405, MCA; NEW, 2001 MAR p. 169, Eff. 1/26/01; AMD, 2005 MAR p. 442, Eff. 4/1/05.)

17.53.402 ADOPTION OF FEDERAL PROCEDURES FOR VARIANCES FROM CLASSIFICATION AS A WASTE OR BOILER (1) The department hereby adopts and incorporates by reference the standards, criteria, and procedures for granting variances from classification as a waste or boiler, contained in 40 CFR 260.30 through 40 CFR 260.33 (History: 75-10-405, MCA; IMP, 75-10-405, MCA; NEW, 2001 MAR p. 169, Eff. 1/26/01; AMD, 2002 MAR p. 789, Eff. 3/15/02.)

17.53.403 ADOPTION OF FEDERAL PROCEDURES FOR ADDITIONAL REGULATION OF CERTAIN HAZARDOUS WASTE RECYCLING ACTIVITIES (1) The department hereby adopts and incorporates by reference the standards, criteria, and procedures for the case-by-case regulation of certain hazardous waste recycling activities contained in 40 CFR 260.40 and 260.41. (History: 75-10-405, MCA; IMP, 75-10-405, MCA; NEW, 2001 MAR p. 169, Eff. 1/26/01.)

